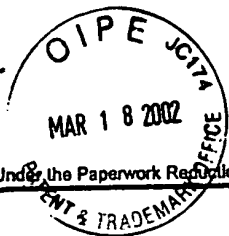


mp
B



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|-------------|
| Application Number | 10/057,400 |
| Filing Date | 1/24/02 |
| First Named Inventor | PORTER |
| Group Art Unit | UNKNOWN |
| Examiner Name | UNKNOWN |
| Attorney Docket Number | OPD 002CP-1 |

COPY OF PAPERS
ORIGINALLY FILED

Total Number of Pages In This Submission

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment / Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☒ Response to Missing Parts/ Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☒ Drawing(s) **PETITION TO MAKE CHANGES**
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

CONF. No.: 1607

RECEIVED
MAY 09 2002

OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|----------------------|
| Firm or Individual name | MICHAEL K. BOYER |
| Signature | <i>Michael Boyer</i> |
| Date | MARCH 06, 2002 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 3/6/02

| | |
|-----------------------|------------------|
| Typed or printed name | MICHAEL K. BOYER |
| Signature | <i>MK Boyer</i> |
| Date | 3/6/02 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

U.S. PATENT & TRADEMARK OFFICE
MAR 18 2002

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|-------------|
| Application Number | 10/057,400 |
| Filing Date | 1/24/02 |
| First Named Inventor | PATER |
| Examiner Name | UNKNOWN |
| Group Art Unit | UNKNOWN |
| Attorney Docket No. | 0F0002 CP-1 |

TOTAL AMOUNT OF PAYMENT

(\$130.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

| | |
|------------------------|---------|
| Deposit Account Number | 15-0680 |
| Deposit Account Name | ORSCHEN |

☒ Charge Any Additional Fee Required Under 37 CFR 1.18 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 740 | 201 370 | Utility filing fee | |
| 106 330 | 206 165 | Design filing fee | |
| 107 510 | 207 255 | Plant filing fee | |
| 108 740 | 208 370 | Reissue filing fee | |
| 114 160 | 214 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)-

2. EXTRA CLAIM FEES

| | | | |
|--------------------|--------------|----------------|----------|
| Total Claims | Extra Claims | Fee from below | Fee Paid |
| Independent Claims | -20** = | X | |
| Multiple Dependent | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|------------------------------------------------------------|
| 103 18 | 203 9 | Claims in excess of 20 |
| 102 84 | 202 42 | Independent claims in excess of 3 |
| 104 280 | 204 140 | Multiple dependent claim, if not paid |
| 109 84 | 209 42 | ** Reissue independent claims over original patent |
| 110 18 | 210 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)-

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|----------------------------------------------------------------------------|----------|
| 105 130 | 205 65 | Surcharge - late filing fee or oath | 130 |
| 127 50 | 227 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 130 | 139 130 | Non-English specification | |
| 147 2,520 | 147 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 920* | 112 920* | Requesting publication of SIR prior to Examiner action | |
| 113 1,840* | 113 1,840* | Requesting publication of SIR after Examiner action | |
| 115 110 | 215 55 | Extension for reply within first month | |
| 116 400 | 216 200 | Extension for reply within second month | |
| 117 920 | 217 460 | Extension for reply within third month | |
| 118 1,440 | 218 720 | Extension for reply within fourth month | |
| 128 1,960 | 228 980 | Extension for reply within fifth month | |
| 119 320 | 219 160 | Notice of Appeal | |
| 120 320 | 220 160 | Filing a brief in support of an appeal | |
| 121 280 | 221 140 | Request for oral hearing | |
| 138 1,510 | 138 1,510 | Petition to institute a public use proceeding | |
| 140 110 | 240 55 | Petition to revive - unavoidable | |
| 141 1,280 | 241 640 | Petition to revive - unintentional | |
| 142 1,280 | 242 640 | Utility issue fee (or reissue) | |
| 143 460 | 243 230 | Design issue fee | |
| 144 620 | 244 310 | Plant issue fee | |
| 122 130 | 122 130 | Petitions to the Commissioner | |
| 123 50 | 123 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 180 | 126 180 | Submission of Information Disclosure Stmt | |
| 581 40 | 581 40 | Recording each patent assignment per property (times number of properties) | |
| 146 740 | 246 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 740 | 249 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 740 | 279 370 | Request for Continued Examination (RCE) | |
| 169 900 | 169 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

SUBMITTED BY

Name (Print/Type) MICHAEL BOYER
Signature *Michael Boyer*

Registration No. 33,085
(Attorney/Agent)

Complete (if applicable)

Telephone 6602694536
Date 6 MAR 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| | | | |
|--------------------|---------------------|-----------------------|------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
| 10/057,400 | 01/24/2002 | Curtis H. Porter | OPD002CP-1 |

CONFIRMATION NO. 1607

FORMALITIES LETTER



OC000000007503376

ORSCHELN MANAGEMENT CO
2000 US HWY 63 SOUTH
MOBERLY, MO 65270

Date Mailed: 02/20/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **Fig. 9A through 9C** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in

03/21/2002 CV0111 00000080 10057400

130.00 DP

01 FC:105

the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Haimanot Tegbaru

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



PATENT APPLICATION

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:
CURTIS H. PORTER et al.

ATTORNEY DOCKET:
OPD002CP-1

SERIAL NO: 10/057,400
CONFIRMATION NO.: 1607

EXAMINER: UNKNOWN

FILED: January 24, 2002

ART UNIT: UNKNOWN

TITLE: "Adjustable Pedal Assembly"

MOBERLY, MISSOURI

Date: MARCH 06, 2002

RESPONSE TO NOTICE OF MISSING PARTS OF APPLICATION

-Filing Date Granted-

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED

MAY 09 2002

OFFICE OF PETITIONS

In response to the Notice of Missing Parts of Application mailed on February 20, 2002 (copy attached), please find attached hereto a Declaration and Power of Attorney for Patent Application for the above-identified patent application. A check in the amount of one-hundred thirty dollars (\$ 130.00) to cover the filing fees in accordance with 37 C.F.R. 1.16(e) is also attached hereto.

Applicants respectfully traverse the instant application being characterized as informal. In response to the margins of the drawings, Applicants respectfully request that the requirement for formal drawings be held in abeyance until a Notice of Allowance has been mailed. In response to the omitted Figures 9A through C, please find attached hereto a Petition to Make Drawing Changes. Figures 9A through C were submitted with the original application; but were labeled only as Figure 9 (i.e., reference to A, B and C was omitted). Applicants respectfully submit that since Figures 9A through 9C were part of the originally filed patent application it is appropriate that this application maintain a filing date of January 24, 2002.

06/14/2002 AKELLEY 00000018 150680 10057400

01 FC:122 130.00 CH
02 FC:122 130.00 CH

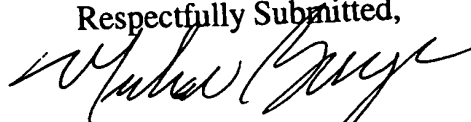
07/23/2002 NHASSANI 00000009 150680 10057400

01 FC:116

400.00 CH

Should there be any fee due in connection with this Application, please charge the same to Deposit Account No. 15-0680 (Orscheln Management Company). Should there be any questions regarding the attached Declaration, please telephone Applicants' attorney.

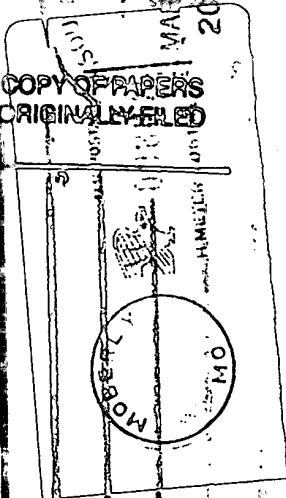
Respectfully Submitted,



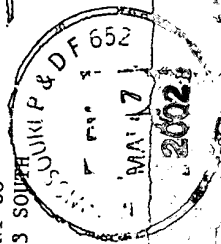
Michael K. Boyer
Attorney for Applicants
USPTO Reg. No. 33,085
tel: 660 269-4536
fax: 660 269-4530
email: mboyer@orscheln.com

Encl.: Declaration and Power of Attorney
Check for \$130.00
Certificate of First Class Mailing
Authorization to Charge Deposit Account
Petition To Make Drawing Changes

COPY OF PAPERS
ORIGINALLY FILED



MICHAEL R BOYER
ORSCHELN MANAGEMENT CO
2000 US HIGHWAY 63 SOUTH
PO BOX 280
MOBERLY MO 65270



COMMISSIONER FOR PATENTS
WASHINGTON DC 20231

